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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,662	04/14/2004	Dany Sylvain	7000-339	7528
27820 7590 01/05/2009 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518				
EXAMINER LU, ZHIYU				
ART UNIT 2618		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,662

Applicant(s)

SYLVAIN, DANY

Examiner

ZHIYU LU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-29 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-29 and 31-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 14, 16-26, 32 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinkin (US Patent#6603965) in view of Payne et al. (US2002/0106994) and Baba et al. (US Patent#7184418).

Regarding claim 1, Dinkin teaches a mobile terminal (Fig. 2) comprising:

a first interface in the mobile terminal (21 or 22 of Fig. 1) and adapted to facilitate communications with a wired connection to a service node (1 of Fig. 1) via a first communication network (4 or 3 of Fig. 1), wherein the first interface is adapted to couple to the first communication network such that the wired communication is facilitated through the first interface (column 2 lines 36-46;

a second interface (antenna of Fig. 1) in the mobile terminal and adapted to facilitate communications using a wireless connection to the service node via a second communication network (2 of Fig. 1); and

a control system (44 of Fig. 4) operatively associated with the first and second interfaces and adapted to:

select the first interface for establishing a first session for a communication over the first communication network, when the wired connection via the first interface is available (column 4 line 62 to column 5 line 1);

establish the first session for the communication via the first interface, the first session identified with a first indicia (obvious in column 3 lines 46-56);

determine that communications via the first interface will no longer be possible (column 2 lines 47-49); and

initiate and establish a second session for the communication with an entity via the second interface, the second session identified with the first indicia (obvious in column 3 lines 46-56).

Payne et al. teach a wireless handset having the functionality of selecting available network line among RF, Ethernet, and POT for connection service (Figs. 1-3), which would have been obvious for one of ordinary skill in the art to incorporate into the mobile terminal of Dinkin for network selection upon availability.

Baba et al. teach a mobility management assigning a mobile terminal a personal identifier, which is for association from session to session (e.g. first temporary IP address to second temporary IP address) when moving from one network into another (column 5 lines 9-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate having the same indicia association with different session taught by Baba et al. into the mobile terminal of Dinkin and Payne et al., in order to maintain a persist connection with the service node.

Regarding claim 19, Dinkin, Payne et al., and Baba et al. teach a method as explained in response to claim 1 above.

Regarding claims 2 and 20, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 1 and 19

Dinkin teaches the control system is further adapted to determine if the wired connection via the first interface is available (303 of Fig. 3).

Regarding claims 3 and 21, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 1 and 19.

Baba et al. teach communications via the first interface are associated with a first address and communications via the second interface are associated with a second address (column 5 lines 9-49).

Regarding claims 4 and 22, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 3 and 21.

Dinkin, Payne et al., and Baba et al. teach the control system is further adapted to register with the service node in association with the first address when the wired connection via the first interface is available (1 of Fig. 1 of Dinkin, column 5 lines 9-31 of Baba et al.).

Regarding claims 5 and 23, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 4 and 22.

Payne et al. teach the control system is further adapted to register with the service node in association with the second address when the wired connection via the first interface is not available (304 of Fig. 3).

Regarding claims 6 and 24, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 4 and 22.

Dinkin, Payne et al., and Baba et al. teach the control system is further adapted to register with the service node in association with the second address prior to the wired connection via the first interface becoming unavailable (column 2 lines 47-49 of Dinkin, 304 of Fig. 3 of Payne et al., column 5 lines 9-31 of Baba et al.).

Regarding claims 7 and 25, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 4 and 22.

Dinkin, Payne et al., and Baba et al. teach the control system is further adapted to register with the service node in association with the second address prior to initiating local wireless

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communications via the second interface (304 of Fig. 3 of Payne et al., column 5 lines 9-31 of Baba et al.).

Regarding claims 8 and 26, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 3 and 22.

Dinkin, Payne et al., and Baba et al. teach the control system is further adapted to obtain the first address after detecting an ability to communicate via the first interface, and obtain the second address after detecting an ability to communicate via the second interface (column 5 lines 9-31 of Baba et al.).

Regarding claims 14 and 32, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 1 and 19.

Dinkin, Payne et al., and Baba et al. teach determining communications via the first interface will no longer be possible, the control system is adapted to detect being removed from being directly coupled to the first communication network (column 2 lines 47-49 of Dinkin, 201 of Fig. 2 of Payne et al.).

Regarding claims 16 and 34, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 1 and 19.

Dinkin, Payne et al., and Baba et al. teach the control system is further adapted to: determine communications via the first interface are available (201 of Fig. 2, 303 of Fig. 3 of Payne et al.); and initiate and establish a third session for the communication with the entity via the first

interface, the third session for the communication identified with the first indicia (column 2 lines 47-49 of Dinkin, column 5 lines 9-31 of Baba et al.).

Regarding claims 17 and 35, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 1 and 19.

Baba et al. teaches the first session is associated with a first address for the mobile terminal and the second session is associated with a second address for the mobile terminal (column 5 lines 9-49, column 13 lines 46-59, column 15 lines 6-37).

Regarding claims 18 and 36, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 1 and 19.

Dinkin teaches comprising providing a cellular interface operatively associated with the control system to facilitate cellular communications (column 4 lines 33-38).

Regarding claims 37-38, Dinkin, Payne et al., and Baba et al. teach the limitation of claims 1 and 19.

Baba et al. teach wherein SIP call signaling is used during signaling with the service node (Fig. 6).

3. Claims 9-11, 13, 15, 27-29, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinkin (US Patent#6603965) in view of Payne et al. (US2002/0106994), Baba et al. (US Patent#7184418), and Amos (US2004/0259544).

Regarding claims 9 and 27, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 1 and 19.

Amos teaches the first interface is a docking interface adapted to couple to a docking station, which connects to the first communication network such that the wired connection is facilitated through the docking station (paragraphs 0033, 0035), which would have been obvious to one of ordinary skill in the art to implement into the mobile terminal of Dinkin, Payne et al., and Baba et al. by design preference.

Regarding claims 10 and 28, Amos, Dinkin, Baba et al., and Amos teach the limitations of claims 9 and 27.

Amos, Dinkin, and Baba et al. teach the first interface further comprises a network interface coupled to the docking interface (22 of Fig. 2 of Dinkin).

Regarding claims 11 and 29, Amos, Dinkin, Baba et al., and Amos teach the limitations of claims 9 and 27.

Amos teaches the docking station comprises a network interface (210 of Fig. 2).

Regarding claims 13 and 31, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 1 and 19

Dinkin, Payne et al., Baba et al., and Amos teach determining communications via the first interface will no longer be possible, the control system is adapted to detect being removed from a docking station as explained in response to claims 9 and 27 above (Fig. 5 of Amos, 201 of Fig. 2 of Payne et al.).

Regarding claims 15 and 33, Dinkin, Payne et al., and Baba et al. teach the limitations of claims 1 and 19.

Dinkin, Payne et al., Baba et al. and Amos teach determining communications via the first interface will no longer be possible, the control system is adapted to detect a signal sent from a docking station (as explained in response to claims 9 and 27 above), which is coupled to the first communication network and coupled to the mobile terminal (201 of Fig. 2 of Payne et al.).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZHIYU LU whose telephone number is (571)272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Zhiyu Lu/
Examiner, Art Unit 2618

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December 30, 2008

/Duc Nguyen/

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Supervisory Patent Examiner, Art Unit 2618